

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

LINDA DOWNS,)	CASE NO. 3:11-CV-00885-LRH-WGC
)	
Plaintiff,)	MINUTES OF PROCEEDINGS
)	
vs.)	DATED: February 19, 2013
)	
RIVER CITY GROUP, LLC et al.,)	
)	
Defendant(s).)	
)	

PRESENT: HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

Deputy Clerk: Katie Lynn Ogden Reporter: FTR

Counsel for Plaintiff: Adam McMillen

Counsel for Defendant(s): Christina Bhirud and Ariel Stern (obo: Wells Fargo) (Telephonically)
and Ann-Martha Andrews (obo: Minnesota Life Insurance Company) (Telephonically)

MINUTES OF PROCEEDINGS: MOTION HEARING

2:41 p.m. Court convenes.

I. Emergency Motion to Compel and/or for Sanctions (Dkt. #138)

The court expresses its concern with regard to the preparation of the Thomas Segalla's deposition and that the deposition was ultimately terminated. In light of the court's understanding that the parties have agreed to reschedule the deposition, plaintiff's Emergency Motion to Compel and/or for Sanctions (Dkt. #138) is **DENIED**. The cost associated with the first attempt to depose expert Thomas Segalla (February 12, 2013) will be divided equally between plaintiff and defendant Minnesota Life Insurance. The cost shall include the time spent of expert Thomas Segalla appearing for this deposition.

II. Motion to Strike Plaintiff's Untimely Designation of New Expert Witness, Or Alternatively, to Exclude Testimony of Dr. Bittker (Dkt. #144)

The court notes that, originally, there were to be simultaneous expert report disclosure dates. At the request of the parties, the dates were then staggered to allow plaintiff's disclosure first. However, the date for rebuttal expert(s) was inadvertently never set. The court indicates that it had always contemplated that there might be rebuttal expert reports. In view of this observation, the court is not inclined to agree with the defendant's argument that plaintiff's designation of Thomas Bittker, M.D., was untimely.

By: /s/
Katie Lynn Ogden, Deputy Clerk